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Southeast Energy News: [North Carolina pipeline opponents see Gov. Cooper as last 'line of defense'](#)

By Elizabeth Ouzts

Little Sapony Creek and Sapony Creek in rural Nash County are among more than 300 rivers, streams and wetlands in eastern North Carolina in the path of the proposed Atlantic Coast Pipeline.

Like many other waters the 36-inch wide pipe could intersect, their names correspond to one of the many Native American tribes in the region, the Haliwa-Saponi, who have subsisted in part on local waterways for millennia.

The streams also have another significance: Roy Cooper, Jr., the late father of Gov. Roy Cooper III, grew up fishing and catching tadpoles in them, and the elder Cooper gave them top billing in *Between the Creeks*, a memoir from his Depression-era childhood.

Now, it's up to the administration of the Democratic governor, also a son of Nash County, to determine whether the pipeline can be built without degrading waters like Sapony Creek.

The \$5 billion natural gas pipeline is slated to begin in West Virginia and end in Robeson County, hugging the state's I-95 corridor. A joint venture of primarily Duke Energy and Virginia-based Dominion Resources, it needs both federal and state permission to become reality.

But with an evaluation issued Friday that paves the way for a federal approval, many North Carolina pipeline foes view the Cooper administration as their last hope.

Nick Wood, an organizer with regional environmental group Appalachian Voices, told state officials as much at a public hearing in Fayetteville. "You really are the line of defense for the state of North Carolina," he said.

'They have to deny it'

For Wood and other North Carolina pipeline opponents, the complaints are legion – ranging from its potential contribution to climate change, to the use of eminent domain on private property, to concern that it will disproportionately hurt poor people, people of color and Native Americans.

But the state's primary power over the pipeline rests on only one grievance on their list, the subject of hearings last week in Fayetteville and Rocky Mount: its impact on waterways.

Under section 401 of the federal Clean Water Act, state officials can only permit the pipeline if they can guarantee it won't degrade the state's rivers, streams and wetlands. Advocates and pipeline opponents who dominated the meetings say the utilities' permit application makes such an assurance impossible.

"They don't have sufficient information to say that water quality standards will not be violated," said Heather Deck, the Pamlico-Tar Riverkeeper. "If they make a decision now, they have to deny it," she said of the 401 permit.

'An environmental debt for decades'

There is precedent for such a denial: three other states this year have rebuffed natural gas pipelines because of their potential to pollute waterways.

Natural gas has low solubility in water, making the chance of gas leaks that would harm creeks and rivers remote. A greater threat to waterways, say experts, is the pipeline's construction.

If the pipeline is laid in an open trench in the river bed, then buried – as planned for Sapony Creek and hundreds of water crossings – it can harm fish and other rare, threatened and endangered aquatic life by altering water flow and filling water bodies with excess dirt.

In turn, those passages threaten native communities, the Haliwa-Saponi Tribal Council said in a letter to federal officials – a sentiment echoed by numerous tribe members last week.

"The process of installing the pipeline will destroy natural habitats and disturb our water," said Marvin Richardson, a citizen of the Haliwa-Saponi.

"Sustenance fishing is an important part of the Robeson County community," said college student Jorden Revels, one of several Lumbee Tribe members to raise the alarm about the Lumber River, whose tributaries the pipeline will cross.

Horizontal directional drilling, in which the pipe is buried tens of feet below the bottom of the riverbed, is planned for seven major waters, including the Tar River, Roanoke River, and the Cape Fear.

But this technique also comes with risk, said Gisler, "the big one being leaks of the drilling mud they use to lubricate the drill bit."

In Pennsylvania last week, this "inadvertent return of drilling mud" during construction of a Sunoco natural gas pipeline sent 1,500 gallons of it into a nearby creek. Similar issues have plagued construction of the Rover pipeline in Ohio and Michigan.

That raises alarm bells for Barbara Exum, who owns property in the pipeline's path and lives near the city of Wilson's drinking water.

"Any contaminants that get into the Contentnea Creek from drilling, clearing [or] trenching," Exum said, "will threaten our water source for the entire city and other towns downstream."

Groundwater is a concern, too. Burying that same Sunoco pipeline in Pennsylvania punctured an aquifer last month, clouding underground wells and leaving 15 households without drinking water for weeks.

"These are not little impacts," said Therese Vick of the Blue Ridge Environmental Defense League. "These are serious possibilities."

Building wide trenches and drilling underneath rivers also requires clearing land for access roads and construction equipment – activities which, according to the permit application, would damage more than 450 acres of wetlands.

Since most of the wetlands cleared are forested and will take 30 years to regrow, advocates say the impact is hardly "temporary," as the utilities claim. They also say it's too long to wait for the return of wetlands' benefits: wildlife habitat, flood control, and filtering clean drinking water.

"You're creating an environmental debt for decades," said Deck, the riverkeeper.

'Reason to tolerate the damage?'

After all the drilling, trenching, and land clearing required for the pipeline, the utilities' application indicates streams and wetlands will be restored to their original condition. Advocates, though, are skeptical.

“There’s a lot of stuff they say they’re going to do,” said Gisler, “but not a lot of documentation to support how they’re going to do it.”

Asked about this complaint, Duke spokeswoman Tammie McGee only reiterated the company’s intentions. “One of the largest things we’ve emphasized is that once the construction is complete, we put the land back the way it was,” she said.

As for the other concerns about water quality, McGee stressed the “detailed and robust” analyses the utilities had conducted to avoid and minimize impacts. But she acknowledged some were unavoidable.

“Nothing that supports our modern lifestyle comes as a free ride,” she said. “It’s just the nature of the world that we live in today.”

But advocates question that premise, pointing to several analyses that suggest the pipeline isn’t necessary to meet demand either in North Carolina or Virginia.

“There is no reason to tolerate the damage to North Carolina’s waters and wetlands,” said Hope Taylor of Clean Water for North Carolina, “that even a much stronger permit than this one could not prevent.”

Pleading for rejection

Underlying opponents’ concerns is a distrust of the Federal Energy Regulatory Commission, the federal agency that regulates interstate pipelines.

A recent investigation showed FERC has rejected only two pipelines out of hundreds proposed in the last 30 years. It’s come under fire for requiring public comment through one-on-one sessions with officials, rather than in group meetings open to the media.

And a final environmental impact statement from the agency issued Friday, the last step before it makes its decision about the pipeline, was widely panned as too favorable to Duke and Dominion.

Even before Friday, religious leaders, property owners and community members struck a note of desperation at the hearings – yelling, begging, and even praying for the Cooper administration to reject it.

“I’m not just concerned,” said John Miner of Fayetteville, a city council candidate and one of many ministers who identified themselves. “I’m downright pissed off!”

Cumberland County landowner Tom Clark joined with neighbors to get the pipeline routed off his property, but is still fighting the project.

“I respect you, but I do not envy you,” Clark told the hearing officials in Fayetteville. “I’ll keep you in my prayers.”

‘He knows we’re working on this’

“When the people say no, let the answer be no,” Miner boomed in Fayetteville, noting the overwhelming numbers opposed to the pipeline.

Yet for Cooper, the answer may not be so simple. Duke and Dominion won over many local elected officials early on, including many Democrats, arguing newly available natural gas would attract industries to an impoverished region of the state.

And in Rocky Mount – Cooper’s old stomping ground – economic development and elected leaders gave a passionate defense of the pipeline, asserting it would bring “jobs, jobs, jobs!”

Pearl Finch, 89, who has a farm in Wilson County along the pipeline's route, was among the many at the meeting to boo and hiss at such claims.

"I'm opposed to it, bitterly opposed to it," Finch said before the hearing began. "I haven't signed anything. I've rejected it and I will reject it until the bitter end."

As it happens, Finch, who lives in Nash County's southwest corner, was a long-time friend of the governor's parents, and is still close with Cooper himself.

"He knows we're working on this," Finch said, expressing general confidence in his ability to "work things out."

But on the pipeline, she said, "I don't know what will happen."

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